

Serial No. **09/993,520**

Docket No. **K-0324**

Amendment dated **July 5, 2006**

Reply to Office Action of **February 9, 2006**

REMARKS/ARGUMENTS

Claims 29, 30, 32-34, 37-42, 52, 53, 55-57, 60-63, and 75-78 are pending in this application. By this Amendment, claims 29, 30, 32, 33, 37-42, 52, 53, 55, 56, 60-63, and 75-78 have been amended, and claims 31 and 54 have been canceled without prejudice or disclaimer.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

Claims 31 and 38 stand objected to based on an informality. The subject matter of claim 31 has been incorporated into independent claim 29 with the informality corrected, and the informality of claim 38 has been correct. Hence, withdrawal of this objection is respectfully requested.

Claims 29-31, 37, 38, 42 and 52-54, 60 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,625,133 B1 (hereinafter, "Balachandran") in view of Related Art of the instant application. This rejection is respectfully traversed.

The proposed combination fails to establish a *prima facie* case of obviousness, as required under Section 103. Independent claims 29 and 52 broadly recite the features of the invention. Independent claim 29 generally recites an RLC layer having a transmission buffer and a

segmentation module segmenting the at least one RLC SDU received from the transmission buffer according to size information transferred from the MAC layer to the RLC layer, and independent claim 52 generally recites storing of at least one service data unit of the RLC layer in a transmission buffer, segmenting the at least one RLC SDU received from the transmission buffer according to size information transferred from the MAC layer to the RLC layer, and providing the at least one RLC PDU to the MAC layer. In other words, independent claims 29 and 52 recites that the RLC layer includes a transmission buffer before the segmentation module. Neither Balachandran nor the Related Art disclose or teach such combination of features recited independent claims 29 and 52.

Figure 3 of Balachandran discloses details of the MAC layer. As is known to one of ordinary skill in the art, the MAC layer is a different layer from the RLC layer. There is no teaching in Balachandran regarding the RLC layer, and also the details of the transmission buffer and the segmentation module of the RLC layer. Further, since Balachandran relates to the MAC layer, there is no disclosure of RLC SDU or RLC PDU since Balachandran can only teach MAC SDU and MAC PDU. Hence, it is unclear as to how Balachandran can disclose the features of independent claims 29 and 52 directed to the RLC layer, and it is respectfully submitted that Balachandran related to the MAC layer has no relevance to claimed RLC layer features.

Based on the disclosure of Related Art Figure 1 and page 4, paragraph 15, the Patent Office concludes that the claimed features of independent claims 29 and 52 are obvious. Specifically, the Patent Office concludes that it would be obvious “to modify the usage of the transmission buffer and the segmentation module as shown by Balachandran to be used in the RLC transparent mode entity and have the PDUs be sized according to size information requested by the MAC layer...”

As indicated above, Balachandran related to the MAC layer, and already discloses a transmission buffer before the segmentation module in the MAC layer, and hence, reliance on the Related Art has no relevance. Further, the Related Art of the instant application at best would teach changing the transmission buffer of the MAC layer to be after the segmentation module of the MAC layer, which is opposite of the claimed invention. Moreover, the Related Art, at best, would teach that the MAC layer of Balachandran would segment based on size information transferred from itself, which is nonsensical.

It is apparent from above that the proposed combination is based on impermissible hindsight and piecemeal reconstruction. Further, the same applies to the dependent claims, and for similar reasons, the proposed combination cannot teach the claimed invention. It is respectfully submitted that the requirements of Section 103 has not been met, and withdrawal of this rejection is respectfully requested.

The remaining dependent claims stand rejected based on the following:

(1) Claims 32 and 55 stand rejected under 35 U.S.C. §103(a) over ETSI TS in view of Balachandran in view of Related Art and in further view of 3GPP_TSG_RAN_WG2 archives-May 2000 e-mail (#16) (hereinafter referred to as “WG2 archives, May 2000”);

(2) Claims 39 and 61 stand rejected under 35 U.S.C. §103(a) over Balachandran in view of Related Art and in further view of ETSI TS 125 322 v3.1.2 (hereinafter “ETSI”).

(3) Claims 40, 41, 62, 63 and 75-78 stand rejected under 35 U.S.C. §103(a) over Balachandran in view of Related Art and in further view of 3GPP TSG RAN WG2 Meeting #yy, “Change Request,” Document R2-00xxxx (hereinafter “Change Request”).

As discussed above, the proposed combination fails to establish a *prima facie* case of obviousness. Further, the additional references indicated above cannot remedy the deficiencies of Balachandran and the Related Art, and the proposed combination cannot teach the claimed invention. Moreover, the deficiencies of WG2 archive, ETSI and Change Request were previously argued in the Reply filed on November 22, 2005, and those arguments are incorporated herein by reference. For such reasons, withdrawal of the above rejections is respectfully requested.

CONCLUSION

Serial No. **09/993,520**
Amendment dated **July 5, 2006**
Reply to Office Action of **February 9, 2006**

Docket No. **K-0324**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

Daniel Y.J. Kim
Registration No. 36,186

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 DYK/dak

Date: July 5, 2006

Please direct all correspondence to Customer Number 34610

\\Fk4\Documents\2016\2016-005\96403.doc